

**Executive Summary – Enforcement Matter – Case No. 48842**

**City of Rhome**

**RN102701620**

**Docket No. 2014-0842-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Rhome Westside Plant, located approximately 150 feet east of the intersection of County Road 4651 and Oates Branch, Wise County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 15, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$6,375

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,375

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014



**Executive Summary – Enforcement Matter – Case No. 48842**  
**City of Rhome**  
**RN102701620**  
**Docket No. 2014-0842-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** May 29, 2014  
**Date(s) of NOE(s):** June 3, 2014

***Violation Information***

Failed to comply with permitted effluent limits for ammonia nitrogen and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010701002, Effluent Limitations and Monitoring Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By June 19, 2014, the Respondent purchased and installed new filter media, rebuilt the airline header and piping to the filter air lines, replaced solenoid valves and electrical connectors, and conducted filter testing.

**Technical Requirements:**

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010701002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A



**Executive Summary – Enforcement Matter – Case No. 48842**  
**City of Rhome**  
**RN102701620**  
**Docket No. 2014-0842-MWD-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Gregory Zychowski, Enforcement Division,  
Enforcement Team 3, MC 169, (512) 239-3158; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** The Honorable Louis Godfrey, Mayor, City of Rhome, P.O. Box 228,  
Rhome, Texas 76078-0228

**Respondent's Attorney:** N/A









# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	9-Jun-2014
	<b>PCW</b>	24-Jun-2014
	<b>Screening</b>	12-Jun-2014
	<b>EPA Due</b>	

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Rhome		
<b>Reg. Ent. Ref. No.</b>	RN102701620		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48842	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-0842-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Gregory Zychowski
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,750
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	70.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$2,625
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Notes: Enhancement for one agreed order with a denial of liability, one agreed order without a denial of liability, and five months of self-reported effluent violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$5,579  
Approx. Cost of Compliance \$43,481  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,375
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$6,375
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,375
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$6,375
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Screening Date 12-Jun-2014

Docket No. 2014-0842-MWD-E

PCW

Respondent City of Rhome

Case ID No. 48842

Policy Revision 4 (April 2014)

Reg. Ent. Reference No. RN102701620

PCW Revision March 26, 2014

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 70%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for one agreed order with a denial of liability, one agreed order without a denial of liability, and five months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 70%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 70%



Screening Date 12-Jun-2014

Docket No. 2014-0842-MWD-E

PCW

Respondent City of Rhome

Policy Revision 4 (April 2014)

Case ID No. 48842

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102701620

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010701002, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on May 29, 2014, and shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violations.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 3

182 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

Three quarterly events are recommended for the quarters containing the months of May 2013, November 2013, December 2013, January 2014, February 2014, and March 2014.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$5,579

Violation Final Penalty Total \$6,375

This violation Final Assessed Penalty (adjusted for limits) \$6,375



# Economic Benefit Worksheet

Respondent City of Rhome  
Case ID No. 48842  
Reg. Ent. Reference No. RN102701620  
Media Water Quality  
Violation No. 1

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

Equipment	\$43,481	31-May-2013	31-Mar-2015	1.83	\$266	\$5,313	\$5,579
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated equipment cost to purchase and install new filter media, rebuild the airline header and piping to the filter air lines, replace solenoid valves and electrical connectors, and conduct filter testing; and the estimated labor cost for corrective actions. Date Required is the initial date of noncompliance. Final Date is the anticipated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$43,481

TOTAL

\$5,579



**City of Rhome**  
**Docket No. 2014-0842-MWD-E**  
**TPDES Permit No. WQ0010701002**

**Effluent Parameter Violation Table**

	<b>Ammonia Nitrogen</b>	<b>Ammonia Nitrogen</b>	<b>Ammonia Nitrogen</b>	<b>Total Suspended Solids</b>
	DAV Concentration	SG Concentration	DAV Loading	DAV Concentration
<b>Month/Year</b>	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 3.8 lbs/d	Limit = 15 mg/L
May 2013	9.7	47	11	c
November 2013	c	c	c	19
December 2013	c	c	c	19
January 2014	c	c	c	21
February 2014	c	c	c	30
March 2014	c	c	c	20

DAV= daily average  
c = compliant  
lb/d = pounds per day

mg/L = milligrams per liter  
SG = single grab









## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600738850, RN102701620, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600738850, City of Rhome

**Classification:** SATISFACTORY

**Rating:** 3.32

**Regulated Entity:** RN102701620, CITY OF RHOME  
WESTSIDE PLANT

**Classification:** SATISFACTORY

**Rating:** 8.08

**Complexity Points:** 7

**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** Approximately 150 feet east of the intersection of County Road 4651 and Oates Branch in Wise County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010701002

**WASTEWATER EPA ID** TX0118621

**Compliance History Period:** September 01, 2008 to August 31, 2013

**Rating Year:** 2013

**Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** June 10, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 10, 2009 to June 10, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Gregory Zychowski

**Phone:** (512) 239-3158

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 03/07/2011 ADMINORDER 2010-1404-MWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits for carbonaceous biochemical oxygen demand, total suspended solids, and chlorine as documented by a TCEQ record review of self-reported data.
- 2 Effective Date: 08/05/2012 ADMINORDER 2012-0083-MWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Eff. Limits and Monitoring Req. Nos. 1&3 PERMIT  
Description: Failure to comply with permitted effluent limitations



**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	June 19, 2009	(819467)	Item 24	November 16, 2011	(979286)
Item 2	July 17, 2009	(819468)	Item 25	December 16, 2011	(986117)
Item 3	September 02, 2009	(819469)	Item 26	January 19, 2012	(992481)
Item 4	September 18, 2009	(819470)	Item 27	March 16, 2012	(1005331)
Item 5	October 13, 2009	(819471)	Item 28	May 16, 2012	(1018274)
Item 6	November 30, 2009	(868882)	Item 29	June 15, 2012	(1025999)
Item 7	December 16, 2009	(819473)	Item 30	July 17, 2012	(1033358)
Item 8	January 21, 2010	(819474)	Item 31	August 22, 2012	(1039881)
Item 9	June 14, 2010	(847865)	Item 32	September 17, 2012	(1048829)
Item 10	June 30, 2010	(862273)	Item 33	October 17, 2012	(1069725)
Item 11	August 16, 2010	(868881)	Item 34	November 15, 2012	(1069726)
Item 12	September 13, 2010	(875743)	Item 35	December 17, 2012	(1069727)
Item 13	October 18, 2010	(883313)	Item 36	January 17, 2013	(1082942)
Item 14	November 17, 2010	(889714)	Item 37	February 19, 2013	(1082941)
Item 15	December 17, 2010	(898085)	Item 38	March 15, 2013	(1091216)
Item 16	January 20, 2011	(903985)	Item 39	April 15, 2013	(1097551)
Item 17	February 17, 2011	(930450)	Item 40	May 17, 2013	(1108578)
Item 18	March 14, 2011	(930451)	Item 41	July 18, 2013	(1119101)
Item 19	April 18, 2011	(930452)	Item 42	August 30, 2013	(1126859)
Item 20	May 18, 2011	(939841)	Item 43	September 16, 2013	(1131391)
Item 21	June 15, 2011	(947251)	Item 44	October 15, 2013	(1137140)
Item 22	July 20, 2011	(954512)	Item 45	November 15, 2013	(1142561)
Item 23	October 19, 2011	(973149)			

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 11/30/2013 (1148983)	CN600738850	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 12/31/2013 (1155074)	CN600738850	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 01/31/2014 (1162382)	CN600738850	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		



4	Date: 02/28/2014 (1169008)	CN600738850	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 03/31/2014	CN600738850	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



## Component Appendices City of Rhome

### Appendix A

#### All NOVs Issued During Component Period 6/10/2009 and 6/10/2014

- 1 Date: 10/31/2009 (819472) CN600738850  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 01/15/2010 (783846) CN600738850  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
2D TWC Chapter 26, SubChapter A 26.121(a)(3)  
2D TWC Chapter 26, SubChapter A 26.121(b)  
2D TWC Chapter 26, SubChapter A 26.121(c)  
2D TWC Chapter 26, SubChapter A 26.121(d)  
2D TWC Chapter 26, SubChapter A 26.121(e)  
30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
TWC Chapter 26 26.121  
TWC Chapter 26 26.121(a)(2)  
Description: Failure to prevent the unauthorized discharge of wastewater from the collection system.  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to maintain compliance with the permit limits for daily average flow.  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to maintain compliance with the permitted effluent limits.  
Classification: Minor  
Self Report? YES For Informational Purposes Only  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
Description: Failure to provide adequate documentation for total chlorine residual analysis.
- 3 Date: 01/31/2010 (819466) CN600738850  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 02/28/2010 (836066) CN600738850  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 03/31/2010 (836067) CN600738850  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter



- 6 Date: 04/30/2010 (836068) CN600738850  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 07/31/2011 (961095) CN600738850  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 8 Date: 08/31/2011 (967180) CN600738850  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 9 Date: 12/05/2011 (969916) CN600738850  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
2D TWC Chapter 26, SubChapter A 26.121(a)(3)  
2D TWC Chapter 26, SubChapter A 26.121(b)  
2D TWC Chapter 26, SubChapter A 26.121(c)  
2D TWC Chapter 26, SubChapter A 26.121(d)  
2D TWC Chapter 26, SubChapter A 26.121(e)  
30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
TWC Chapter 26 26.121  
TWC Chapter 26 26.121(a)(2)  
Description: Failure to prevent the unauthorized discharge of wastewater from the collection system.  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to maintain compliance with the permitted effluent limits.
- 10 Date: 01/31/2012 (999788) CN600738850  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 11 Date: 03/31/2012 (1011902) CN600738850  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 12\* Date: 03/20/2013 (1052947) CN600738850  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
2D TWC Chapter 26, SubChapter A 26.121(a)(3)  
2D TWC Chapter 26, SubChapter A 26.121(b)



2D TWC Chapter 26, SubChapter A 26.121(c)  
2D TWC Chapter 26, SubChapter A 26.121(d)  
2D TWC Chapter 26, SubChapter A 26.121(e)  
30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
TWC Chapter 26 26.121  
TWC Chapter 26 26.121(a)(2)  
WQ0010701-002 PERMIT

Description: Failure to prevent the unauthorized discharge of wastewater.  
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0010701-002 PERMIT

Description: Failure to maintain compliance with permitted effluent flow limits.  
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0010701-002 PERMIT

Description: Failure to maintain compliance with self-monitoring effluent limits.

13\* Date: 05/31/2013 (1112150) CN600738850  
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

14 Date: 11/30/2013 (1148983) CN600738850  
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

15 Date: 12/31/2013 (1155074) CN600738850  
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

16 Date: 01/31/2014 (1162382) CN600738850  
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

17 Date: 02/28/2014 (1169008) CN600738850  
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

\* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

## Appendix B

### All Investigations Conducted During Component Period June 10, 2009 and June 10, 2014

(819467)

Item 1\* June 19, 2009\*\* For Informational Purposes Only



		(819468)
Item 2*	July 17, 2009**	For Informational Purposes Only
		(819469)
Item 3*	September 02, 2009**	For Informational Purposes Only
		(819470)
Item 4*	September 18, 2009**	For Informational Purposes Only
		(819471)
Item 5*	October 13, 2009**	For Informational Purposes Only
		(819472)
Item 6	November 18, 2009**	For Informational Purposes Only
		(868882)
Item 7*	November 30, 2009**	For Informational Purposes Only
		(819473)
Item 8*	December 16, 2009**	For Informational Purposes Only
		(783846)
Item 9	January 11, 2010**	For Informational Purposes Only
		(819474)
Item 10*	January 21, 2010**	For Informational Purposes Only
		(819466)
Item 11	February 19, 2010**	For Informational Purposes Only
		(836066)
Item 12	March 15, 2010**	For Informational Purposes Only
		(836067)
Item 13	April 14, 2010**	For Informational Purposes Only
		(836068)
Item 14	May 18, 2010**	For Informational Purposes Only
		(847865)
Item 15*	June 14, 2010**	For Informational Purposes Only
		(862273)
Item 16*	June 30, 2010**	For Informational Purposes Only
		(796376)
Item 17	July 16, 2010**	For Informational Purposes Only
		(843455)
Item 18	August 13, 2010**	For Informational Purposes Only
		(868881)
Item 19*	August 16, 2010**	For Informational Purposes Only
		(875743)
Item 20*	September 13, 2010**	For Informational Purposes Only
		(883313)
Item 21*	October 18, 2010**	For Informational Purposes Only
		(889714)
Item 22*	November 17, 2010**	For Informational Purposes Only
		(898085)



Item 23*	December 17, 2010**	For Informational Purposes Only (903985)
Item 24*	January 20, 2011**	For Informational Purposes Only (930450)
Item 25*	February 17, 2011**	For Informational Purposes Only (930451)
Item 26*	March 14, 2011**	For Informational Purposes Only (930452)
Item 27*	April 18, 2011**	For Informational Purposes Only (939841)
Item 28*	May 18, 2011**	For Informational Purposes Only (947251)
Item 29*	June 15, 2011**	For Informational Purposes Only (954512)
Item 30*	July 20, 2011**	For Informational Purposes Only (961095)
Item 31	August 15, 2011**	For Informational Purposes Only (967180)
Item 32	September 16, 2011**	For Informational Purposes Only (973149)
Item 33*	October 19, 2011**	For Informational Purposes Only (979286)
Item 34*	November 16, 2011**	For Informational Purposes Only (969916)
Item 35	December 02, 2011**	For Informational Purposes Only (968368)
Item 36	December 13, 2011**	For Informational Purposes Only (986117)
Item 37*	December 16, 2011**	For Informational Purposes Only (992481)
Item 38*	January 19, 2012**	For Informational Purposes Only (999788)
Item 39	February 21, 2012**	For Informational Purposes Only (1005331)
Item 40*	March 16, 2012**	For Informational Purposes Only (1011902)
Item 41	April 18, 2012**	For Informational Purposes Only (1018274)
Item 42*	May 16, 2012**	For Informational Purposes Only (1025999)
Item 43*	June 15, 2012**	For Informational Purposes Only (1033358)



Item 44*	July 17, 2012**	For Informational Purposes Only (1039881)
Item 45*	August 22, 2012**	For Informational Purposes Only (1048829)
Item 46*	September 17, 2012**	For Informational Purposes Only (1069725)
Item 47*	October 17, 2012**	For Informational Purposes Only (1069726)
Item 48*	November 15, 2012**	For Informational Purposes Only (1069727)
Item 49*	December 17, 2012**	For Informational Purposes Only (1082942)
Item 50*	January 17, 2013**	For Informational Purposes Only (1082941)
Item 51*	February 19, 2013**	For Informational Purposes Only (1052947)
Item 52	March 14, 2013**	For Informational Purposes Only (1091216)
Item 53*	March 15, 2013**	For Informational Purposes Only (1097551)
Item 54*	April 15, 2013**	For Informational Purposes Only (1108578)
Item 55*	May 17, 2013**	For Informational Purposes Only (1112150)
Item 56	June 25, 2013**	For Informational Purposes Only (1119101)
Item 57*	July 18, 2013**	For Informational Purposes Only (1126859)
Item 58*	August 30, 2013**	For Informational Purposes Only (1131391)
Item 59*	September 16, 2013	For Informational Purposes Only (1137140)
Item 60*	October 15, 2013	For Informational Purposes Only (1142561)
Item 61*	November 15, 2013	For Informational Purposes Only (1148983)
Item 62	December 19, 2013	For Informational Purposes Only (1155074)
Item 63	January 21, 2014	For Informational Purposes Only (1162382)
Item 64	February 21, 2014	For Informational Purposes Only (1169008)
Item 65	March 17, 2014	For Informational Purposes Only



(1171543)

Item 66

June 06, 2014

For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF RHOME  
RN102701620**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-0842-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Rhome ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment plant located approximately 150 feet east of the intersection of County Road 4651 and Oates Branch in Wise County, Texas (the "Facility").



2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on May 29, 2014, TCEQ staff documented the following monthly effluent violations:

Effluent Parameter Violation Table				
	Ammonia Nitrogen	Ammonia Nitrogen	Ammonia Nitrogen	Total Suspended Solids
	DAV Concentration	SG Concentration	DAV Loading	DAV Concentration
Month/Year	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 3.8 lbs/d	Limit = 15 mg/L
May 2013	9.7	47	11	c
November 2013	c	c	c	19
December 2013	c	c	c	19
January 2014	c	c	c	21
February 2014	c	c	c	30
March 2014	c	c	c	20

DAV= daily average  
c = compliant  
lb/d = pounds per day

mg/L = milligrams per liter  
SG = single grab

4. The Respondent received notice of the violations on June 5, 2014.
5. The Executive Director recognizes that by June 19, 2014, the Respondent purchased and installed new filter media, rebuilt the airline header and piping to the filter air lines, replaced solenoid valves and electrical connectors, and conducted filter testing.



## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010701002, Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Six Thousand Three Hundred Seventy-Five Dollars (\$6,375) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Six Thousand Three Hundred Seventy-Five Dollar (\$6,375) administrative penalty.

## III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Six Thousand Three Hundred Seventy-Five Dollars (\$6,375) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Rhome, Docket No. 2014-0842-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088



2. It is further ordered that, within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010701002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.



5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*Pam Mauri*  
For the Executive Director

9/5/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Rhome. I am authorized to agree to the attached Agreed Order on behalf of the City of Rhome, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Rhome waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Louis Godfrey, Mayor*  
Signature

July 11, 2014  
Date

<sup>LG</sup>  
*Louis Godfrey, Mayor*  
Name (Printed or typed)  
Authorized Representative of  
City of Rhome

Mayor  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.